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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------|
| 09/966,023  | 09/28/2001  | Ian Ross             | 9084.00                 | 4656             |
| 26889   | 7590        | 02/23/2007           | EXAMINER                |                  |
| MICHAEL CHAN<br>NCR CORPORATION<br>1700 SOUTH PATTERSON BLVD<br>DAYTON, OH 45479-0001 |             |                      | APPLE, KIRSTEN SACHWITZ |                  |
|   |             |                      | ART UNIT                | PAPER NUMBER     |
|   |             |                      | 3693                    |                  |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 02/23/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                  |              |  |
|------------------------------|------------------|--------------|--|
| <b>Office Action Summary</b> | Application No.  | Applicant(s) |  |
|                              | 09/966,023       | ROSS, IAN    |  |
|                              | Examiner         | Art Unit     |  |
|                              | Kirsten S. Apple | 3693         |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,9-14 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-2, 9-14, 18-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Restriction***

Newly submitted claim 24-26 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: directed to setting up account for each individual.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 8-35 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

The Examiner has read and reviewed all of the information provided by the Applicant. The examiner rejects as final claims 1-2, 9-14 & 18-26 under 35 USC 102.

The Applicant attention is re-drawn to the following:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Slater, US Patent 6,615,190.

**Re claim 1:** Slater discloses:

*A method, comprising:*

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*Maintaining a financial account for the organization (see Slater, Figure 1, item 12-16, note the examiner is interpreting the “sponsor” as the organization)*

*Maintaining a financial account for an individual of the organization (see Slater, Figure 1, item 20-24)*

*Allowing a sponsor and/or the organization to establish rules governing use of the financial account by the individual (see Slater, Figure 1, item 16 a specific example is column 3 line 8-15); and*

*When a transaction is requested by the individual at the self-service terminal located on the premises used by the organization, examining the rules and fulfilling the transaction (see Slater, column 4, line 33-36 “if transmission rejected”).*

**Re claim 2:** Slater discloses:

*Offering the individual products and/or services provided by the organization (see Slater, column 2, line 35 “POS purchases” it is inherent in this example that all of these items would be done on the premises of the sponsor/organization, in this case the university.)*

**Re claim 10 & 13:** Slater discloses:

*Terminal or ATM is location in premises used by the organization (see Slater, column 2, line 34-35 “ATM” it is inherent in this example that all of these items would be done on the premises of the sponsor/organization, in this case the university.)*

**Re claim 11 & 14:** Slater discloses:

*Terminal or ATM comprising:*

*Means for allowing individuals to purchase products and/or services offered by the organization to individuals under its supervision. ((see Slater, column 2, line 34-35 “ATM” it is*

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*inherent in this example that all of these items would be done on the premises of the sponsor/organization, in this case the university.)*

**Re claim 9 & 12:** Slater discloses:

*A financial transaction system or ATM (see Salter, Figure 2, item 160) comprising:*

*A self-service terminal in communication with a transaction host (see Salter, Figure 2, item 160)*

*Means for maintaining a financial account for an individual under the supervision of the organization (see Salter, Figure 2, item 120)*

*Means for allowing rules (see Salter, Figure 2, item 130)*

*Means for fulfilling transactions (see Salter, Figure 2, item 160)*

**Re claim 15:** Slater discloses:

*A method of administering financial accounts*

*Providing an account (see Salter, Figure 2, item 154)*

*Allowing the individual sponsor to control the account (see Salter, Figure 2, item 130)*

*Allowing the individual to purchase products and/or services offered by the organization using the financial account (see Salter, Figure 2, item 160); and*

*Providing the organization with a fee associated with purchases made using the account (see Salter, Paragraph 0004, line 4-5)*

**Re claim 16:** Slater discloses:

*Fee is levied on a per purchase basis (see Salter, Paragraph 0004, line 5, "based on number of transactions")*

**Re claim 17:** Slater discloses:

*Fee is charged for a predetermined time period (see Salter, Paragraph 0004, line 4, "charge monthly service fee")*

**Re claim 18, 19 & 20:** Slater discloses:

*Rules limit time-of-day when specific transactions are allowed (see Slater column 2, line 29-30 at "periodic intervals")*

**Re claim 21, 22 & 23:** Slater discloses:

*Non-authorized message is displayed if the requested transaction fails to comply with a rule (see Slater, column 4, line 33-36 "if transmission rejected".)*

#### ***Response to Arguments***

Applicant's arguments filed 11/13/06 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1<sup>ST</sup>: Slater 2003/0033246 is not available as a reference.

The Examiner refutes the argument it is now a moot point as she as used the Slater 6,615,190 patent for all above rejections.

The Applicant argued 2<sup>ND</sup>: Slater does not show "the sponsor establishes rules for use of funds within the account" & "the rules are examined"

The Examiner refutes the argument made by the Applicant and draws the attention to Slater Figure 1, item 16 a specific example is column 3 line 8-15. The examiner would like to express while she believes this is specifically in the provided prior art this feature is a "design feature" in all credit/debit/payment cards. Without some set of rule it would be impossible to have credit/debit/payment cards at all. If the applicant believe there is a unique set of rule or one rule that is not express in any prior art or simply a matter of design choice to would be recommended to outline that specific rule in the claims.

Applicants argued 3<sup>rd</sup>, Slater does not show “a requested transaction is fulfilled if it is consistent with the rules.”

The Examiner refutes the argument made by the Applicant and draws the attention to (see Slater, column 4, line 33-36 “if transmission rejected”. It is clearly inherent in the claim that a transaction is fulfilled consistent with the rules otherwise it will be rejected. Once again this is well known in the art as a design feature of all credit/debit/payment cards.

Applicants argued 4<sup>th</sup>, Slater does not show “rules are available to the terminal (SST or ATM) or its host:”

The Examiner refutes the argument made by the Applicant and draws the attention to Slater, Figure 2, item 160 a clear depiction of the ATM. It has already been established that Slater includes rules.

Applicants argued 5<sup>th</sup>, a listing of all the new claim not in Slater.

The Examiner refutes the argument made by the Applicant and draws to the body of this action as not to be redundant.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

 2/15/07  
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